

SN. 10/506,295

ATTORNEY DOCKET NO. MATS:049

**REMARKS**

Only allowable claims 2-7 and 9-18 are now pending in this application for which applicants seek reconsideration.

**Amendment**

Independent claims 1 and 8 have been canceled without prejudice or disclaimer to expedite allowance of the allowable claims. Claims 2, 3, 9, 10, 17, and 18 have been placed in independent form to place claims 2-7 and 9-18 in condition for allowance. In addition, claim 2 and all other claims that contain the same language have been further amended to improve its form and clarity, namely clarifying that the operational control circuit is for preventing the sensors from detecting a rapid rise of voltage of the secondary battery to overcome the § 112 rejection. Moreover, the dependency of claim 15 has been corrected to reflect the change previously made in the Preliminary Amendment. No new matter has been introduced.

**§ 112 Rejection**

Applicants believe that all issues identified by the examiner, including the rejection of claim 2 under 35 U.S.C. § 112, second paragraph, have been rendered moot. Specifically, the examiner rejected claim 2 because the specification does not provide proper antecedent basis for the language "the voltage of the battery does not exceed a preset voltage within a predetermined time period." Note that the specification (pages 6 and 14) clearly provides antecedent basis and support. Moreover, claim 3 uses the same language and yet the examiner did not reject it. If the examiner is asserting that the term "preset" is the problem, applicants submit that page 6 recites that term. Moreover, applicants are willing change that term to --predetermined-- if the examiner feels that this term is more appropriate. Applicants believe that the terms "preset" and "predetermined" are synonymous. Applicants submit that § 112 rejection is moot.

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Conclusion

Applicants submit that claims 2-7 and 9-18 are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicants urge the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

ROSSI, KIMMS &amp; McDOWELL LLP

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DATE

  
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